



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 17-380

Released: April 20, 2017

NOTICE CONCERNING *EX PARTE* STATUS OF INFORMATION SUBMITTED TO THE BROADBAND DEPLOYMENT ADVISORY COMMITTEE

GN Docket No. 17-83

The Federal Communications Commission (FCC or Commission) recently announced the first meeting of its Broadband Deployment Advisory Committee (Committee or BDAC), to be held on Friday, April 21, 2017.¹ The BDAC is a federal advisory committee, announced in January 2017², that will provide advice and recommendations to the Commission on how to accelerate broadband deployment. The BDAC is organized under, and operates in accordance with, the provisions of the Federal Advisory Committee Act (FACA).³

Under the Federal Advisory Committee Act, the Commission is responsible for oversight of the BDAC, including its subcommittees and working groups.⁴ As a result, FCC staff or Commissioners may participate in or attend meetings or other activities held by both the BDAC and its subcommittees and working groups. In light of this, we are announcing that, pursuant to section 1.1200(a) of the Commission's rules, 47 CFR § 1.1200(a), presentations to the BDAC, including to its subcommittees and working groups, and at any roundtable discussions sponsored by the BDAC, and presentations between BDAC members (including members of any subcommittees or working groups) and FCC staff or Commissioners, will be treated as exempt presentations for *ex parte* purposes. This treatment is appropriate since presentations to the Committee, like comments on a Notice of Inquiry, will not directly result in the promulgation of new rules.⁵

We recognize, however, that in the course of its work the BDAC may address issues that are subject to pending rulemaking proceedings.⁶ The Commission will not rely in these proceedings on any information submitted to the BDAC, or to any of its subcommittees, working groups, or sponsored

¹ *FCC Announces the Membership and First Meeting of the Broadband Deployment Advisory Committee*, Public Notice, DA 17-328 (Apr. 6, 2017).

² *FCC Announces the Establishment of the Broadband Deployment Advisory Committee and Solicits Nominations for Membership*, Public Notice, DA 17-110 (Jan. 31, 2017).

³ See 5 U.S.C. App. 2.

⁴ See *id.*

⁵ See 47 CFR § 1.1204(b)(1)(exempt treatment of presentations regarding a Notice of Inquiry).

⁶ See, e.g., Press Release, FCC, FCC Seeks Comment on Ways to Accelerate Next-Generation Networks by Removing Regulatory Barriers (Apr. 20, 2017), http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0420/DOC-344484A1.pdf; Press Release, FCC, FCC Takes Steps to Promote Wireless Broadband Deployment (Apr. 20, 2017), http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0420/DOC-344486A1.pdf.

roundtables, or information conveyed by BDAC members (including members of any subcommittees or working groups) to FCC staff or Commissioners unless that information is first placed in the record of the relevant proceeding.

Additional information regarding the BDAC can be found at <https://www.fcc.gov/broadband-deployment-advisory-committee>. You may also contact Brian Hurley, Designated Federal Officer for BDAC at (202) 418-2220 or brian.hurley@fcc.gov; or Paul D'Ari, Deputy Designated Federal Officer for BDAC at (202) 418-1550 or paul.dari@fcc.gov.

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